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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,213	11/12/2003	Reggie Davis	089339-0386	6327
26371	7590	03/17/2006	EXAMINER	
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			HOFFBERG, ROBERT JOSEPH	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/706,213		DAVIS ET AL.	
	Examiner		Art Unit	
	Robert J. Hoffberg		2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claim Objections

1. Claims 1-22 are objected to because of the following informalities: "the bus bar" in claims 1 and 13 lacks antecedent basis. For examination purposes the bus bar is interpreted as "the second bus bar". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 6, 12, 13, 15, 16, 18 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Buchanan (US 6,459,570).

With respect to Claim 1, Buchanan teaches a basepan assembly for a panel board (Fig. 1, #10), the basepan assembly comprising: a basepan (Fig. 1, #26) having a bottom portion (Fig. 1, #30) and a least one side wall (Col. 6, line 58, #202); a first bus bar (Fig. 1, #32) mounted in the bottom portion of the basepan; and a second bus bar (Col. 6, lines 55-64 for mounting #34) mounted on a side portion (Fig. 10, #34 mounted in alternate position against #204) Fig. 1, #34 on side of #32) of the second (examiner added second based on his interpretation) bus bar proximate the side wall and aligned 90° from the first bar (Fig. 1, #32 is horizontal and #34 is vertical).

Art Unit: 2835

With respect to Claims 3 and 15, Buchanan further teaches wherein the sidewall includes fasteners (Fig. 10, #204, #206, #212 and #214) coupling the second bus bar to the sidewall.

With respect to Claims 4 and 16, Buchanan further teaches wherein the basepan includes a plurality of phase (Col. 1, line 63) barriers.

With respect to Claims 6 and 18, Buchanan further teaches wherein the fasteners are integrally formed (Fig. 10, #204, #206, #212 and #214) with the sidewall (Col. 6, line 58, #202).

With respect to Claims 12 and 24, Buchanan further teaches wherein the second bus bar (Col. 6, lines 55-64 for mounting #34) includes a side portion (#34 under Fig. 10, #210) to support the second bus bar along side the sidewall (Col. 6, line 58, #202).

With respect to Claim 13, Buchanan teaches a load center comprising: an enclosure (Fig. 1, #10) defining an interior space; and a basepan assembly (Fig. 1, #26) mounted in the enclosure, the basepan assembly comprising: a basepan having a bottom (Fig. 1, #30) portion and at least one side wall (Col. 6, line 58, #202); a first bus bar (Fig. 1, #32) mounted in the bottom portion of the basepan; and a second bus bar (Fig. 1, #34) mounted on a side portion (Fig. 10, #34 mounted in alternate position against #204) of the second (examiner added second based on his interpretation) bus bar proximate the side wall (Col. 6, lines 55-64 for mounting #34) and aligned 90° from the first bar (Fig. 1, #32 is horizontal and #34 is vertical).

Claim Rejections - 35 USC § 103

Art Unit: 2835

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 7, 8, 11, 14, 19, 20, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan (US 6,459,570).

With respect to Claims 2 and 14, Buchanan teaches the basepan assembly and the load center of claims 1 and 13, respectively and that the first bus bar includes a plurality of bus stabs (Fig. 1, #48). Buchanan does not teach stabs on the second bus bar. While Buchanan fails to disclose that the second bus bar include a plurality of bus stabs, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to that the second bus bar could have a plurality of bus stabs or any other shape or features which will meet the intend application to allow the circuit breakers to be in contact with the bus bar.

With respect to Claims 7, 8, 19 and 20, while Buchanan does not teach that the basepan assembly or the load center includes a groove of the same length as the second bus bar configured to receive this bus bar, it does teach a groove (Fig. 5, #76) of the same length configured to receive the first bus bar. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to duplicate the groove for the first bus bar for retaining the

Art Unit: 2835

second bus bar. It has been held that duplications of parts requires only routine skill in the art. *In re Harza*, 274 F. 2d 669, 124 USPQ 378 (CCPA 1960).

With respect to Claims 11 and 23, Buchanan further teaches wherein the bus stabs (Fig. 5, vertical members of #32) of the first bus bars are aligned ninety degrees (see Fig. 5) from each respective bus bar. While Buchanan fails to teach the bus stabs of the second bus bar, it would be obvious to one skilled in the art at the time of invention that the bus stabs aligned at ninety-degree angle could be duplicate on the second bus bar. It has been held that duplication of parts is obvious to one skilled in the art. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

With respect to Claim 25, Buchanan further teaches a basepan assembly (Fig. 1, #26). While Buchanan fails to teach an additional basepan assembly, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the load center of Buchanan to duplicate the basepan to allow for alternate configurations using a minimum number of standard components. It has been held that duplication of parts is obvious to one skilled in the art. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

6. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan (US 6,459,570) as applied to the claims above, and in view of Barner (US 4,740,865).

With respect to Claims 5 and 17, Buchanan teaches the basepan assembly and load center of claims above. Buchanan does not teach that the phase barriers are integrally formed with the basepan. Barner teaches that the

Art Unit: 2835

phase barriers (Col. 3, lines 19+) are integrally formed with the basepan (Fig. 2, #10). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the basepan assembly of Buchanan with that of Barnes for the purpose of using the basepan as an insulated support member to separate and position multiple bus bars with different electrical phases.

7. Claims 9, 10, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan (US 6,459,570) as applied to the claims above, and in view of M'Sadoques et al. (US 4,646,200).

With respect to Claims 9 and 21, Buchanan teaches the basepan assembly and the load center of claims above. Buchanan does not disclose stab stops. M'Sadoques et al. teaches wherein the basepan includes a plurality of stab stops (Fig. 5, #35) to locate and position the bus stabs of a bus bar (Fig. 5, #56 on surface #16). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the basepan assembly of Buchanan with that of M'Sadoques et al. for the purpose of providing a location to mount the bus stabs and circuit breakers.

With respect to Claim 10 and 22, Buchanan does not disclose stab stops. M'Sadoques et al. further teaches wherein the stab stops are integrally (Col. 2, line 31) formed with the basepan (Fig. 5, #11). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the basepan assembly of Buchanan with that of M'Sadoques et al. for the purpose of reducing the number of components and their costs.

Art Unit: 2835

8. Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan (US 6,459,570) in view of Hancock et al. (US 4,916,574).

With respect to Claim 26, Buchanan teaches a method for mounting a bus bar in a basepan having a bottom (Fig. 1, #30) portion and a sidewall (Col. 6, line 58, #202), the method including the steps of: providing a bus bar (Fig. 1, #34) having a bottom edge and a top edge; providing a fastener (Fig. 10, #206) mounted on the sidewall; and coupling (Col. 7, lines 44+) the top edge of (see Fig. 10) the bus bar to the sidewall with the fastener (Fig. 10, #208). Buchanan does not teach a groove in the bottom portion proximate the sidewall. Hancock et al. teaches providing a groove (Fig. 2, #26) in the bottom portion proximate the sidewall (Fig. 2, #30) and installing the bus bar (Fig. 2, #20) bottom edge in the groove. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Buchanan with that of Hancock et al. for the purpose of providing a groove to align and retain the bus bar in place.

With respect to Claim 27, Buchanan further teaches including the step of providing a phase barrier (Col. 1, line 63). While Buchanan does not teach the position of the phase barriers, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Buchanan and position the phase barriers on the bottom portion of the basepan or any other portion which will meet the intend application to insulate the different electrical phases from each other.

Art Unit: 2835

With respect to Claim 28, Buchanan fails to teach the length of the groove in the basepan. Hancock et al. teaches wherein the groove (Fig. 2, #26) is at least as long (Col. 1, lines 49-52) as the side (Fig. 2, #30) portion of the bus bar. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Buchanan with that of Hancock et al. for the purpose of providing a groove as long as the side portion of the bus bar to retain and insulate it from the panel box and other bus bars.

With respect to Claim 29, Buchanan further teaches including the step of deflecting (Col. 4, line 51) the sidewall (Fig. 10, #200, #204 and #206) during installation of the bus bar (Fig. 1, #34).

With respect to Claim 30, Buchanan further teaches, wherein the fastener is a snap-type member and includes the step of engaging the snap-type member (Fig. 10, #206 and Col. 4, line 51) over the top edge (see Fig. 10) of the bus bar.

9. Claims 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan (US 6,459,570) in view of Hancock et al. (US 4,916,574) as applied to claim 26, above, and in further view of M'Sadoques et al. (US 4,646,200).

With respect to Claim 31, Buchanan in view of Hancock et al. teaches the method of claim 26. They fail to teach a method including a bus stab stop.

M'Sadoques et al. teaches providing a bus stab stop (Fig. 5, #35) formed in the bottom portion (see Fig. 5) of the basepan to locate and position a bus stab on the bus bar. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the basepan assembly of Buchanan

Art Unit: 2835

with that of Hancock et al., with further that of M'Sadoques et al. for the purpose of providing a location to mount the bus stabs and circuit breakers.

Response to Arguments

10. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended claims.

11. Buchanan (US 6,459,570) teaches that the second bus bar mounted on a narrow edge against the sidewall of the basepan (Fig. 10, #34 mounted in alternate position against #204 and Col. 6, lines 55+ describes the alternate embodiment).

12. Examiner withdraws his objection to the drawing based upon on the revised Fig. 6 and specification Para. 0022.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Davis et al (US 2,985,710) teaches edgewise mounting of bus bars. Feldhaeusser (US 5,805,414) teaches additional basepans to extend the basepan as necessary.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2835

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Hoffberg whose telephone number is (571) 272-2761. The examiner can normally be reached on 8:30 AM - 4:30 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2835

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJH *RJH*

Lynn Feild
LYNN FEILD
SUPERVISORY PATENT EXAMINER